Kerala Gazette No. 35 dated 2nd September 1980.
PART IA

GOVERNMENT OF KERALA

Election Department

NOTIFICATION

No. 7060/EL.3/80/Elec. *Dated, Trivandrum, 1st August 1980.*

Following orders Nos. KL LA/93/80/(4), KL.LA/93/80/(5) KL.LA/93/80/(6) and KL.LA./7/80(2) all dated 4-7-1980 of the Election Commission of India are hereby published

By order,
J. S. Jesudasan,
Special Secretary (Home) and
Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

Ashok Road, New Delhi-110001.

ORDER

Dated 4th July 1980/
No. KL.LA/93/80(4). Ashadha 13, 1902 (Saka).

Whereas the Election Commission is satisfied that Shri Chacko Chacko, Vattakulathil, Thidanadu P.O., (Kerala State), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 93-Poonjar Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Chacko Chacko

to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Conneil of a State for a period of three years from the date of this order.

By order,
(Sd.)
DHARAM VIR,
Under Secretary to the Election Commission of India.

ELECTION COMMISSION OF INDIA

Ashok Road,
New Delhi-110001.

ORDER

Dated, 4th July, 1980/
Ashadha, 13, 1902 (Saka).

No. KL-LA/93/80(5).

Whereas the Election Commision is satisfied that Shri Prabhakaran Nair, Thenganyil, Thidanadn P. O., (Kerala State), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 93-Poonjar Constituency, has failed to lodge an acconnt of his election expenses at all as required by the Representation of the People Act, 1951 and the Rules made therennder;

And whereas the said candidate, even after the notice's has not given any reason or explanation for the failnre and the Election Commission is satisfied that he has no good reason or justification for the failnre;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Prabhakatan Nair to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,
(Sd.)
DHARAM VIR,
Under Secretary to the Election Commission of India.

ELECTION COMMISSION OF INDIA

Ashok Road,
New Delhi-110001.

ORDER

No. KL-LA/93/80(6).

Dated, 4th July, 1980/
Ashadha 13, 1902 (Saka).

Whereas the Election Commission is satisfied that Shri Abdul Salam Meetannan, Chanthukamparambil, Etattupetta-2 (Kerala State), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 93-Poonjar Constituency, has failed to lodge an account of election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abdul Salam Meerannan to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

(Sd.)

DHARAM VIR,

Under Secretary to the
Election Commission of India.

ELECTION COMMISSION OF INDIA

Ashok Road,
New Delhi-110001.

ORDER

No. KL-LA/7/80(2).

Dated, 4th July 1980/
Asadha 13, 1902(Saka).

Whereas the Election Commission is satisfied that Shri S. Bharatha Shenoy, P. O., Payyanur (Kerala), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980

from 7- Payyanur constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri S. Bharatha Shenoy to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

(Sd.)

DHARAM VIR,

Under Secretary to the
Election Commission of India.

GOVERNMENT OF KERALA

Election Department

NOTIFICATION

No. 354 /EL1/80/Elec. *Dated, Trivandrum, 2nd Augus 1980.*

Notification No. 82/KL–LA/7/80 dated 24th July 1980 of the Election Commissioo of India is hereby published.

By order,
J. S. JESUDHASAN,
Speci l Secretary.
(Home) & Chief Electora Officer

ELECTION COMMISSION OF INDIA

Nirvachan Sadan
A hok Road
New Delhi-110001

NOTIFICATION

Dat d 24th July 1980
Sravana 2, 1902 (Saka)

No 82/KL-LA/7 8 .—In pursuanc of section 106 of the Represent tion of the People Act, 1951 (43 of 1951), the Election Commission here y publishes the judgement of the High Court of Kerala dated 15th July 1980 in Elec ioo Petition No. 7 of 1980

By order,
(Sd)
K. GANESAN)
Sec etary to the Election Commission of India

In the High Court of Kerala, Ernakulam

Present

The Hononrable Mr. Justice George Vadakkel,

Tuesday, the 15th July, 1980/24th Ashadha, 1902
Election Petition No. 7 of 1980

Petitioner:—

P.P. Thankachan, Rekha Manzil, Perumbavoor By Advocates M/s Chacko George and Charles George

Respondents:—

1. P.P. Esthose, Puthenpurayil, Muvattupuzha
2. Chellappan Ayyappan, Kottapadath House, Anchitl Harijan Colony, Kudayathoor P.O.
3. T.N. Parameswaran Pillai, Thekkineth, Ambalamed P. O. Respondent 1 By advocates M/s M.M. Cheriyan, Mathew Zachariah and K.M. Chacko

   Respondent 3 by Advocates M/s M.Ramanatha Pillai and P.L.Varghese.

This Election Petition having been finally heard on 15-7-1980 in the presence of M/s Chacko George and Charles George Advocates for the petitioner and of M/s M. M Cheriyan, Mathew Zachariah and K.M. Chacko Advocates for the 1st respondent the Court on the same day delivered the following:—

JUDGEMENT

The petitioner and the three respondents herein contested the general election to the Legislative Assembly of Kerala State held on 21-1-1980 from No. 78–Kunnathunad Constituency. The 1st respondent herein is the returned candidate. The petitioner seeks to set aside the election of the 1st respondent declaring that the said election is void. The petitioner further prays that it be declared that he has been duly elected from the aforesaid Constituency to the Legislative Assembly of Kerala State. In that connection the petitioner also has prayed for an order of re-scrutiny and re-counting of all the ballot papers polled at the election held on 21-1-1980 from the aforesaid Constituency.

2. The petitioner prays as aforesaid under Section 100 (1) (b) of the Representation of the People Act, 1951, read with section 123 (4) of that Act and under Section 100 (1) (d) of the Act.

3. The substantial case of the petitioner as revealed by his pleadings is that irregularities were committed in the process of counting and that the 1st respondent published a Malayalam Pamphlet appended to the petition as Annexure 3.

4. The material averments in the petition are denied by the contesting respondent, viz., the 1st respondent herein.

5. After discussion at the bar with the learned counsel appearing in either side the following issues were framed in this case:—

"1. Whether the petition is liable to be dismissed for non-compliance of the provisions of the Representation of the People Act, 1951?

2. Whether the counting of votes was legal and proper?

3. If Issue No. 2 is answered in the negative whether it has materially affected the result of the election?

4. Whether the 1st respondent procured the printing and publishing of the pamphlet as alleged in para 10 of the election petition?

5. If issue No. 4 is answered in the affirmative whether the contents of the Pamphlet is false and defamatory and capable of estranging the petitioner from members of the Patriarchal group?

6. Reliefs and costs."

6. *Issue No.* 1:—It has not been established that the petition is liable to be dismissed for non compliance of any of the provisions of the Representation of the people Act, 1951. I, therefore, hold that the petition is not liable to be dismissed on that ground.

7. *Issues Nos. 2 and* 4.—Undoubtedly the burden of proof on these issues is on the petitioner. The learned counsel for the petitioner has today made an endorsement on the election petition that the petitioner is not adducing any oral or documentary evidence in this case'. In view of the aforesaid endorsement and in view of the fact that no evidence, oral or documentary, had been adduced in this case, the aforesaid issues have to be found against the petitioner and in favour of the 1st respondent. I hold that the counting of votes was legal and proper. I also hold that it has not been established that the 1st respondent procured the printing and publishing of the Pamphlet as alleged in paragraph 10 of the election petition.

8. *Issues Nos. 3 and* 5.—Issue No 3 arises on the contention advanced by the 1st respondent and calls for the further answer as to whether in the event of Issue No. 2 being answered in the negative, the election, in so far as it concerns the 1st respondent has been materially affected by reason of the illegality and impropriety, if any, in the counting of votes,. In so far as I have answered Issue No. 2 in the affirmative, viz., that the counting of votes was legal and proper, Issue No. 3 does not call for any answer and does not arise in this case. So also Issue No. 5 does not arise in this case in so far as that is an issue dependent upon answering Issue No. 4 in the affirmative—I have found Issue No. 4 in the negative, that is to say, that it has not been established that the 1st respondent procured the printing and publishing of the Pamphlet referred to in Issue No. 4 Issue No. 5 also, therefore, does not call for any answer.

9. *Issue No.* 6.—In the result the petitioner is not entitled to any relief. This petition has to be dismissed. I dismiss the same. The petitioner shall pay the costs of the 1st respondent which I fix at Rs. 500

The office will communicate the substance of this decision to the Election Commission and the Speaker of the Legislative Assembly of Kerala, and it shall also send an authenticated copy of this decision to the Election Commission as soon as it is ready.

15th July, 1980.

(Sd.)
GEORGE VADAKKEL,
Judge.

(True Copy)

Petitioner's Exts.—Nil
Respondent's Exts.—Nil
Petitioner's witnesses.—Nil
Respondent's witnesses.—Nil
Costs to the 1st respondent—Rs. 500

(Sd.)
Assistant Registrar.

Kerala Gazette No. 35 dated 2nd September 1980.
PART I A

* GOVERNMENT OF KERALA

Election Department

NOTIFICATION

No. 6932/EL-3/80/Ele.

Dated, Trivandrum, 28th July 1980.

Following Orders Numbers KL-HP/7/80(3) dated 10-6-1980 and KL-HP/14/80 (4) and KL/HP/4/80 (5) both dated 27-6-1980 of the Election Commission of India are hereby published.

By order,
J. S. JESUDHASAN,
Special Secretary (Home) & Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

Ashok Road,
New Delhi-110001.

ORDER

No. KL-HP/7/80(3).

Dated, 10*th June*, 1980/
Jyaistha 20, 1902 (*Saka*).

Whereas the Election Commission is satisfied that Shri K. Veluthira, Kallanmala Pottasseri, Mannarghat (Kerala), a contesting candidate for general election to the House of the People held in January, 1980 from 7- Palghat Constituency, has failed to lodge an account of his election expenses within the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Velnthira to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,
(Sd.)
DHARAM VIR,
Under Secretary to the
Election Commission of India.

ELECTION COMMISSION OF INDIA

Ashok Road,
New Delhi-110001

ORDER

No. KL-HP/14/80(4). *Dated*, 27*th June*, 1980/
Ashadha 6, 1902 (*Saka*)

Whereas the Election Commission is satisfied that Shri P. Sreedharan Pillai, Mepparathu Veedu, Omalloor, P. O. Pathanamthitta (Kerala), a contesting candidate for general election to the House of the People held in January, 1980 from 14- Idukki Parliamentary Constituency, has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri P. Sreedharan Pillai to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,
(Sd.)
DHARAM VIR,
Under Secretary to the
Election Commission of India.

ELECTION COMMISSION OF INDIA

Ashok Road,
New Drlhi-110001.

ORDER

No. KL-HP/4/80(5).

Dated, *27th June*, 1980
Ashadha 6, 1902 (*Saka*).

Whrreas the Election Commission is satisfied that Shri P. O. G. Nambiar, Frerdom Fightrr Swathanthra Bhavan Estatr, Meenangadi, Wynad, Distrirt Kozhikodr (Kerala), a rontesting candidate for general election to the Honir of thr Peoplr hrld in January 1980 from 4-Calicut Parliamentary Constitnency, has failrd to lodgr an account of his elrction exprnses in thr mannrr required by the Rrpresentation of thr Peoplr Art, 1951, and thr Rules madr thereundrr ;

And whrreas the said candidatr, rvrn aftrr the notier, has not givrn any reason or explanation for thr failurr and thr Election Commission is satisfied that hr has no good rrason or justification for thr failurr ;

Now, thrrefore, in pursuance of section 10A of the said Art, thr Election Commission hrreby drclares thr said Shri P. O. G. Nambiar to be disqualified for bring chosen as, and for being a mrmber of rither House of Parliament or of the Legislativr Assrmbly or Legislativr Council of a Statr for a period of thrre years from the date of this order.

By ordrr,
(Sd.)
DHARAM VIR,
Under Secretary to the Election Commission of India.
